



City of NORFOLK


C: Dir., Department of City Planning

To the Honorable Council
City of Norfolk, Virginia

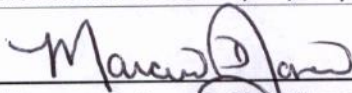
May 19, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Change of zoning to modify the conditions on properties zoned conditional C-1 (Limited Commercial) district at 956-960 Berkley Avenue Extended – EA's Little Blessings Learning Center**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-1**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** To change the conditions of a conditional rezoning in order to increase the maximum student capacity.
- IV. **Applicant:** Eily Anthony
- V. **Description:**
 - In January 2014 the site was rezoned from R-11 (Moderate Density Multi-Family) to conditional C-1. This allowed for the operation of a child day care center.
 - The conditional rezoning also limited the hours of operation to 6:00 a.m. until 6:00 p.m. Monday through Friday and the maximum number of children to 20.
 - In order to modify the conditions of a rezoning, a new conditional rezoning application must be submitted.
 - The applicant proposes to retain the same hours of operation but increase the maximum student capacity.
 - The proffered conditions recommended by staff and Planning Commission are to retain the same hours of operation and to limit the maximum student capacity to what is recommended by any license issued by the Virginia Department of Social Services.

Staff point of contact: Chris Whitney at 823-1253, chris.whitney@norfolk.gov

Attachments:

- Staff Report to CPC dated April 23, 2015 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

Planning Commission Public Hearing: **April 23, 2015**

Executive Secretary: George M. Homewood, AICP, CFM *GH*

Staff: Chris Whitney, CFM *CW*

Staff Report	Item No. 5	
Address	956-960 Berkley Avenue Extended	
Applicant	EA's Little Blessings Learning Center	
Request	To change the conditions of a conditional rezoning	
Property Owners	Eily Anthony; EA's Apartments, Inc.	
Site Characteristics	Site Area	7,538 sq. ft.
	Zoning	Conditional C-1 (Limited Commercial)
	Neighborhood	Beacon Light/Berkley
	Character District	Traditional
Surrounding Area	North	OSP (Open Space Preservation): Mt. Olive Cemetery
	East	IN-1 (Institutional): vacant lots
	South	City of Chesapeake: Artlite Sign IN-1: St. Mark United Church of Christ
	West	R-8 (Single-Family): single-family homes



A. Summary of Request

The purpose of this request is to increase the maximum student capacity at the existing child day care center from 20 to 50.

B. Plan Consistency

The proposed change of zoning is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

- The site is located in the Beacon Light/Berkley neighborhood on the northeast corner of Berkley Avenue Extended and Obendorfer Road.
- In January 2014 the site was rezoned from R-11 (Moderate Density Multi-Family) to conditional C-1. This allowed for the operation of a child day care center.
- The conditional rezoning also limited the hours of operation to 6:00 a.m. until 6:00 p.m. Monday through Friday and the maximum number of children to 20.
- The applicant proposes to retain the same hours of operation but increase the maximum student capacity to 50, in order to match the maximum capacity permitted within the building's certificate of occupancy.
- In order to modify the conditions of a rezoning, a new conditional rezoning application must be submitted.
- The applicant has received a conditional, six month license from the Virginia Department of Social Services establishing a recommended maximum capacity of 33 children, with the potential for additional children pending final inspection of a room on the second floor.

ii. Parking

- The site is located in the Traditional Character District, which requires one parking space per 250 square feet of enclosed building area for child day care centers.
- The 2,450 square foot facility is required to accommodate ten off-street parking spaces.
- The site is developed with eight off-street parking spaces.
- The *Zoning Ordinance* promotes the reuse of existing buildings throughout the City by acknowledging all buildings constructed prior to 1992 as being vested from the basic parking minimum parking requirement of 1 space per 250 square feet. Therefore, this facility is vested for the parking deficiency of 2 spaces.
- On-street parking is also available along this portion of Berkley Avenue Extended.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that expansion of the existing daycare use on the site by 30 students will generate 134 new vehicle trips per day.

E. Impact on the Environment

The site must continue to comply with all the standards set forth in the *Zoning Ordinance of the City of Norfolk, 1992*.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the child day care center should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Beacon Light/Berkley and Campostella Civic Leagues on March 31.

I. Communication Outreach/Notification

- Legal notice was posted on the property on March 17.
- Letters were mailed to all property owners within 300 feet of the property on April 9.
- Letter was mailed to the City of Chesapeake Planning Director on March 27.
- Letters were mailed to all adjacent property owners in the City of Chesapeake on April 9.
- Legal notification was placed in *The Virginian-Pilot* on April 9 and April 16.

J. Recommendation

Staff recommends that the rezoning be **approved** subject to the following proffered conditions:

- a. The hours of operation for any business located on the property shall be limited to 6:00 a.m. until 6:00 p.m. Monday through Friday.
- b. For any Child Day Care Center that operates on the property, the maximum capacity shall be limited to the maximum allowed by any license issued by the Virginia Department of Social Services authorizing a day care facility and currently in effect.

Attachments

Location Map

Zoning Map

Application

Notices to the Beacon Light/Berkley and Campostella Civic Leagues

Letter to the City of Chesapeake Planning Director

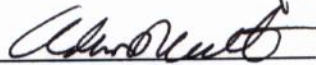
Proponents and Opponents

Proponents

Eily Anthony - Applicant
1531 Crystal Lake Drive
Portsmouth, VA 23701

Opponents

None

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO REZONE PROPERTIES LOCATED AT 956 TO 960 BERKLEY AVENUE EXTENDED IN ORDER TO CHANGE CONDITIONS ON PROPERTIES ZONED CONDITIONAL C-1 (LIMITED COMMERCIAL) DISTRICT.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the properties located at 956 to 960 Berkley Avenue Extended are hereby rezoned from Conditional C-1 (Limited Commercial) District to Conditional C-1 (Limited Commercial) District in order to change the applicable conditions. The properties are more fully described as follow:

Properties fronting 87 feet, more or less, along the northern line of Berkley Avenue Extended and 100 feet, more or less, along the eastern line of Obendorfer Road; premises numbered 956 to 960 Berkley Avenue Extended.

Section 2:- That the properties rezoned by this ordinance shall be subject to the following conditions:

- (a) The hours of operation for any business located on the property shall be limited to 6:00 a.m. until 6:00 p.m., Monday through Friday.
- (b) For any Child Day Care Center that operates on the property, the maximum capacity shall be limited to the maximum allowed by any license issued by the Virginia Department of Social Services authorizing a day care facility and currently in effect.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

Location Map



Zoning Map





APPLICATION CONDITIONAL CHANGE OF ZONING

Date of application:

Conditional Change of Zoning

Conditional
From: Zoning To: Conditional Zoning

(To modify previously approved conditions)

DESCRIPTION OF PROPERTY

Property location: (Street Number) (Street Name)

Existing Use of Property:

Current Building Square Footage

Proposed Use

Proposed Building Square Footage

Trade Name of Business (If applicable)

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant (757) Fax (☐)

E-mail address of applicant:

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**Application
Conditional Rezoning
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) (First) (MI)

Mailing address of applicant (Street/P.O. Box):

(City) (State) (Zip Code)

Daytime telephone number of applicant (757) Fax (757)

E-mail address of applicant:

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) (First) (MI)

Mailing address of property owner (Street/P.O. box):

(City) (State) (Zip Code)

Daytime telephone number of owner (757) email:

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information:

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Lily Anthony Sign: Lily Anthony 13/5/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: _____ Sign: _____ / ____ / ____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Hollis D. Ellis Sign: Hollis D. Ellis 103/105/15
(Authorized Agent Signature) (Date)

PROFERRED CONDITIONS

1) Hours of operations will be 6:00AM to 6:00PM; Monday - Friday

2) Student capacity will be 50 students. Please note, rezoning PH-4, approved January 14, 2014 conditionally rezoned this property from R-11 to C-1 with a restriction of 20 students. We hereby request with application to increase the student capacity to 50 students.

3)

4)

5)

6)

Print name:

Eily Anthony
(Applicant)

Sign:

Eily Anthony

31 5 15
(Date)

Print name:

Hollis D. Ellis

Sign:

Hollis D. Ellis

(Property Owner or Authorized Agent of Signature)

03 05 15
(Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

SITE STATISTICS

PROPOSED USE: DAYCARE

GPIN: 1436-48-2609

ADDRESS: 956 BERKLEY AVENUE EXT

PROPOSED PARKING: 7 SPACES (REGULAR SPACES)

1 SPACE (HANDICAP VAN ACCESSIBLE)

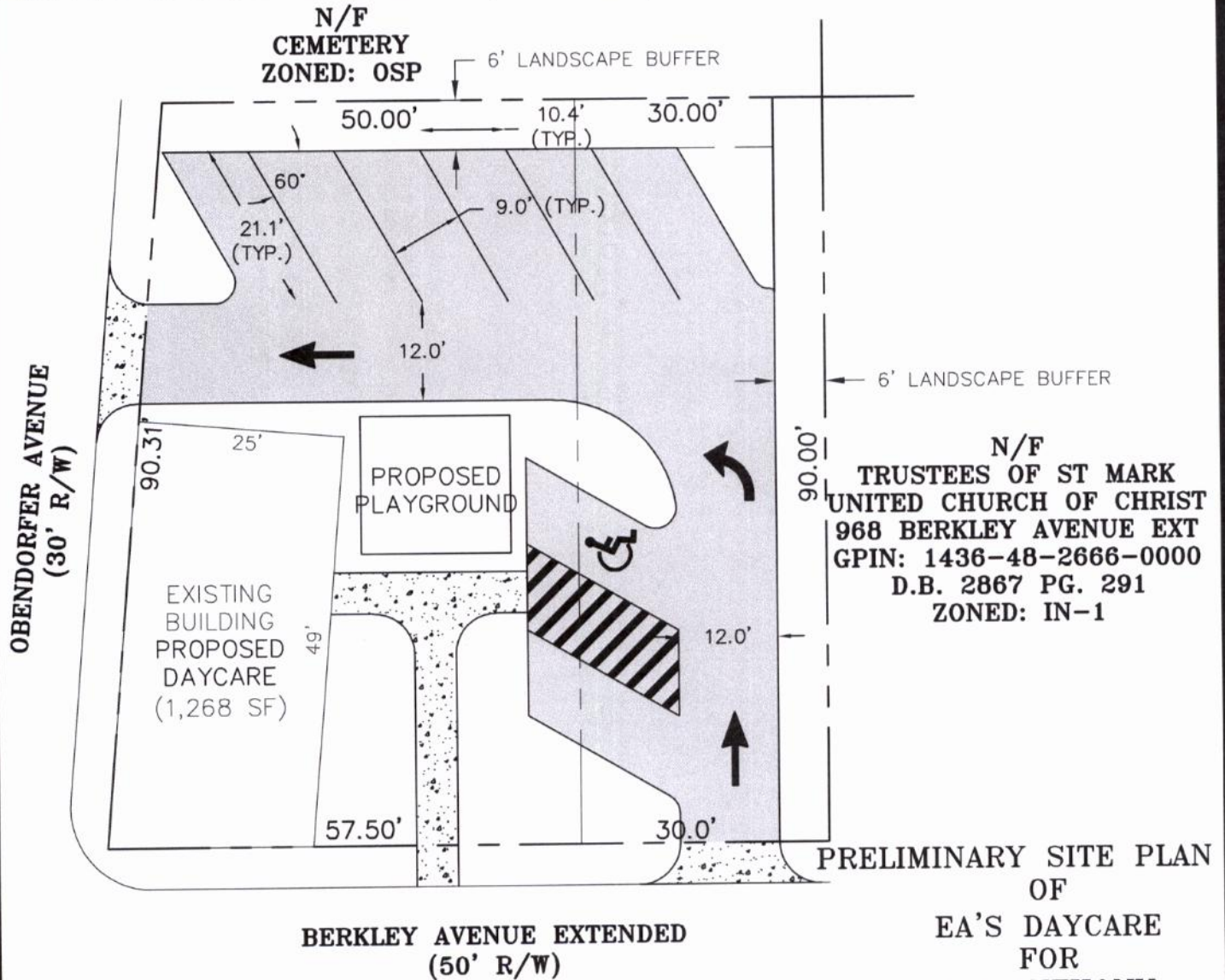
SITE AREA: 7,538 SF (0.17 ACRE)

EXISTING BUILDING AREA: 1,268 SF (0.029 ACRE)

PROPOSED BUILDING AREA: 1,268 SF (0.029 ACRE)

PROPOSED PAVEMENT AREA: 3,334 SF (0.077 ACRE)

PROPOSED CONCRETE AREA: 269 SF (0.006 ACRE)



PRELIMINARY SITE PLAN OF

EA'S DAYCARE

FOR

ELI ANTHONY

MARCH 3, 2015

NORFOLK, VIRGINIA

CAE, INC. SCALE: 1"=20'

ENGINEERS, PLANNERS, AND CONSTRUCTION CONSULTANTS

321 OFFICE SQUARE LANE, SUITE 101A
VIRGINIA BEACH, VIRGINIA 23462-3655

TELEPHONE (757) 271-1576 (757) 271-1009 (FAX)

FILE NUMBER: 2013-018

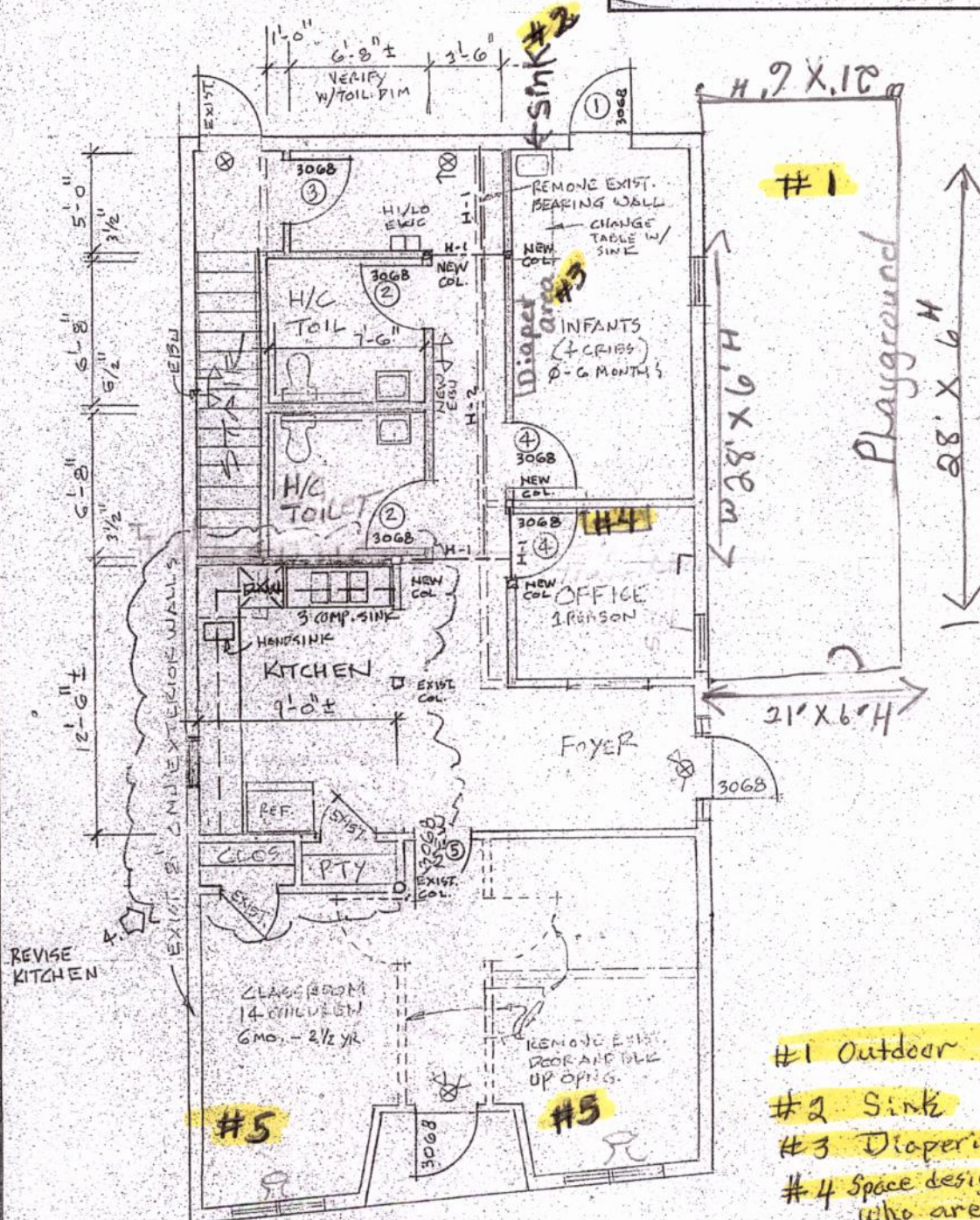
ADA HI/LO WATER COOLER

SCALE: 3/4" = 1'-0"

2"X12" WOOD STRINGER

3/4" WOOD RISERS

TOP LANDING



#1 Outdoor play area

#2 Sink

#3 Diapering area

#4 Space designated for chi who are ill

#5 Portable toilet training

4. OCCUPANT LOAD: 1ST. FLOOR

4 INFANTS
14 TODDLERS
5 ADULTS

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

4. OCCUPANT LOAD TOTAL

4 INFANTS	0 TO 6 MONTHS
14 TODDLERS	6 MO. TO 2 1/2 YEAR
32 TODDLERS	2 1/2 YEARS AND OLD
11 ADULTS	(AGE UNKNOWN)
61 TOTAL	

COMMON